

Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
District of Rhode Island

Lynn Ruggieri V. Bryant University, a/k/a Bryant College	SUBPOENA IN A CIVIL CASE Case No.:¹ 05-056T District of Rhode Island
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TO: Internal Revenue Service
380 Westminster Street
Providence, Rhode Island
Attention: Keeper of Records

☐ **YOU ARE COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM #

DATE AND TIME

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. (SEE ATTACHED DEPOSITION NOTICE)

PLACE OF DEPOSITION

DATE AND TIME

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Schedule A attached hereto.

Holland & Knight LLP
One Financial Plaza, Suite 1800
Providence, RI 02903
PLACE

9/12/05 @ 10:00 A.M.
DATE AND TIME

Requested documents may be sent certified mail, return receipt requested in a separate sealed envelope with a notarized affidavit (see attached) in lieu of a personal appearance by the Keeper of Records.

¹ If action is pending in district other than district of issuance, state district under case number.

☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Neal J. McNamara

ISSUING OFFICER'S SIGNATURE AND TITLE

8/11/05

DATE

ATTORNEY FOR: ☐ Plaintiff ☒ Defendant

Neal J. McNamara, Esquire

ISSUING OFFICER'S NAME (Print/Typed)

4249

REGISTRATION #

Holland & Knight LLP, One Financial Plaza, Suite 1800, Providence, RI 02903
(401) 751-8500

ADDRESS AND TELEPHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page.)

PROOF OF SERVICE

SERVED

DATE

PLACE

JIM LYONS CSR /TAC 8/12/05

SERVED ON (PRINT NAME)

MANNER OF SERVICE

Roland M.J. Daigle
State Constable 6124
Superior Court #87

SERVED BY (PRINT NAME)

For Process Server

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

8/12/05
Date

[Signature]
SIGNATURE OF SERVER

P.O. box 1431
ADDRESS OF SERVER

Countryside, RI 02816

(Fees Refused)

Rule 45. Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SCHEDULE A

DOCUMENTS REQUESTED

1. Any and all documents related to Lynn M. Ruggieri's (DOB: [REDACTED]) SS# [REDACTED] hours of employment as a Revenue Agent for the Internal Revenue Service at either the Warwick, Rhode Island or Providence, Rhode Island office for the period of August 2002 through June 2004. Requested documents should include, but not be limited to, timesheets, work schedules, and any other documents that show dates and for how many hours Ms. Ruggieri worked on a weekly or monthly basis for the specified time period.

**UNITED STATES DISTRICT COURT
District of Rhode Island**

Lynn Ruggieri V. Bryant University, a/k/a Bryant College	Case No.: 05-056T District of Rhode Island
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AFFIDAVIT OF KEEPER OF RECORDS

I am the designated custodian of records of the Internal Revenue Service.

I have reviewed the description of the documents requested in Schedule A of the Subpoena Duces Tecum to the Keeper of Records of the Internal Revenue Service, dated 8/9/05.

In compliance with that subpoena, I am producing herewith complete copies of all documents requested and have caused them to be delivered to Holland & Knight LLP, One Financial Plaza, Suite 1800, Providence, Rhode Island 02903.

I acknowledge that the documents produced are true and correct copies of authentic documents that are created and maintained in the ordinary course of business.

No documents responsive to the requests for documents in Schedule A to the subpoena have been lost, misplaced, or destroyed.

Signed under the pains and penalties of perjury this ____ day of _____, 2005.

KEEPER OF RECORDS

INTERNAL REVENUE SERVICE,

Signed

Print Name: _____

Position: _____

Subscribed and sworn to before me this _____ day of _____, 2005.

Notary Public

My Commission Expires: _____

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